

497-64

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The term "discharge" is defined as the addition of dredged or fill material into waters of the U.S. This may include the redepositing of wetland soils such as occurs during mechanized landclearing activities, including grubbing, grading, and excavation.

The term "fill material", used above, is defined by Federal regulation to mean "...any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of a waterbody. The term does not include any pollutant discharged into the water primarily to dispose of waste..." (33 C.F.R. Part 323.2 (b), as published in the November 13, 1986 Federal Register).

Before doing any work on your project, please insure that you have clearly delineated, both in the field and on your drawings, the precise limits of any waters of the United States under the Corps of Engineers' jurisdiction which are located within the entire project area. A qualified wetland consultant familiar with the methodology in the 1987 "Corps of Engineers Wetlands Delineation Manual" should delineate any and all wetlands on the subject property. Data sheets supporting the wetland delineation should be submitted for review. On your scaled drawings you should clearly indicate, with dimensions, the precise location of where you intend to place any fill material (whether temporary or permanent), excavate, or perform mechanized landclearing in any such wetlands or waterway. You should then contact me at the above address to discuss permit requirements.

If you have any further questions on this matter, please contact me or Marty Lefebvre at 802 872-2893.

Sincerely,

*Michael S. Adams*

Michael S. Adams  
Senior Project Manager  
Regulatory Division

Attachments

Copies furnished:

Mr. Alan Quackenbush  
VT Department of Environmental Conservation  
103 South Main Street  
Building 10, North  
Waterbury, Vermont 05671-0408

Ms. Kathryn Hakey  
USDA-NRCS  
27 Fisher Pond Road Ste 1  
St. Albans, VT 05478



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS  
696 VIRGINIA ROAD  
CONCORD, MASSACHUSETTS 01742-2751

8 Carmichael Street, Suite 205  
Essex Junction, Vermont 05452  
October 20, 2006

FILE CLOSED  
10/29/07

Regulatory Division  
CENAE-R-62-NAE-2006-3056

RAMS  
20001510

Mr. Germain Bourdeau  
194 County Road  
Swanton, Vermont 05488

Dear Mr. Bourdeau:

We have noticed ongoing work on your property off the east side of County Road in Swanton, Vermont. Your project may involve work in waters under Corps of Engineers' jurisdiction and requires prior authorization from the Corps.

This letter is to inform you of Corps of Engineers' jurisdiction over activities and to insure that you do not perform any work in waters under Corps' jurisdiction without first obtaining the required permits.

A Corps of Engineers' permit is required under Section 404 of the Clean Water Act (33 U.S.C. 1344) for those activities involving the discharge of dredged and/or fill material, excavation, or mechanized landclearing in all waters of the United States, including not only navigable waters of the United States, but also inland rivers, lakes, streams and wetlands. In interior waters, our jurisdiction under the Clean Water Act extends landward to the ordinary high water mark of a waterbody or the landward limit of any **wetlands**.

The term "wetlands" is defined by Federal regulations as "...those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions..." (Federal Register, November 13, 1986 33 CFR Part 328.3(b)). Wetlands generally include swamps, marshes, and bogs; however, forests and meadows that lack surface waters can also be wetlands. In addition, wetland delineation as determined for Federal, state, and local agencies might not be interchangeable.

VT DEC - IND. THEY WOULD CONTACT PROPERTY OWNER & SCHEDULE SITE VISIT. THIS WAS NOT DONE.

CALLS TO BOURDEAU WERE NOT RETURNED.